

Notice of Allowability

Application No.

10/088,107

Examiner

Tatyana Zalukaeva

Applicant(s)

TANAKA ET AL.

Art Unit

1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/21/2004.
2. ☒ The allowed claim(s) is/are 1-9, 17 and 19.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S COMMENT/REASONS FOR ALLOWANCE

Examiner's Comment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.
2. Claims 3 has been rejoined, examined and found allowable as being dependent and further limiting the allowable independent claim.

Examiner's Amendment

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Geselowitz on January 18, 2005.

The application has been amended as follows:

Cancel claims 10-16, 18, and 20.

Allowable Claims

4. Claims 1-9, 17 and 19 are allowed over the prior art of record.

Reasons for Allowance

5. The following is an examiner's statement of reasons for allowance: The prior art of record previously applied for the rejection has been withdrawn, since neither Hann, nor Freeman reference teaches the component (A) prepared by reacting (A-1), the anhydropolyamino acid, with (A-2), which has a functional group having reactivity with the anhydropolyamino acid and has a double bond, (see page 49 line 8-14 in the specification). The resulting component (A) of the instant claims has an ethylenically unsaturated double bond. The double bonds of component (A) of the instant claims are later reacted with component (B) in an ethylenic polymerization to produce a copolymer. If the (meth)acrylic acid disclosed by Freeman and Hann as an additional optional monomer contribute to the creation of an ethylenically unsaturated double bond in polyisuccinimide, then the teaching of Freeman and Hann lacks the second copolymerizable monomer. If these (meth)acrylic acids are considered as an additional comonomer to copolymerize with polyisuccinimide, then the polyanhydroamino acid of Freeman and Hann lacks the unsaturated double bond in the molecule.

Several other relevant references have been discovered by the Examiner at the time of the present communication. Mabilat et al (U.S. 5,723,344) teaches the copolymer of N-vinylpyrrolidone with N-acryloxysuccineimide (col.2, lines 43-46). However, this N-acryloxysuccineimide is a monoanhydroaminoacid having unsaturated double bond, not polyanhydroaminoacid, as required by the instant claims, U.S. 5,633,290 discloses a porous material comprising macroporous polymers of acryloyl

Art Unit: 1713

succineimide, but does not disclose the polymerization of poyanhydrosuccineimide having acryloyl double bond copolymerized with water soluble comonomer.

No other prior art that anticipates or suggests fairly the instant claims have been located as of the date of this communication. Therefore, claims 1-9, 17, 19 are allowed over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance." Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tatyana Zalukaeva whose telephone number is (571) 272-1115. The examiner can normally be reached on 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1713

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tatyana Zalukaeva
Primary Examiner
Art Unit 1713

January 19, 2005

A handwritten signature in black ink, appearing to read 'T. Zalukaeva', with a long, sweeping horizontal stroke extending to the right.